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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

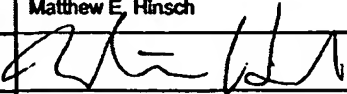
Application Number	10/083,960
Filing Date	February 25, 2002
First Named Inventor	Rothbard, Jonathan B.
Group Art Unit	1653
Examiner Name	Not Assigned
Attorney Docket Number	019801-000240US

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard Copy of Notice to File Missing Parts Declaration Small Entity Statement Statement Under 37 CFR 3.73(b) w/copy of assignment
<input type="checkbox"/> Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.


## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Matthew E. Hinsch	Reg. No. 47,651
Signature		
Date	June 17, 2002	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

June 17, 2002

Typed or printed name	Joy M. Marshall	Date	June 17, 2002
Signature			

Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1356728 v1

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65

Complete if Known

Application Number 10/083,860

Filing Date February 25, 2002

First Named Inventor Rothbard, Jonathan B.

Examiner Name Not Assigned

Group Art Unit 1653

Attorney Docket No 018801-000240US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		101	740	Utility filing fee	
		106	330	Design filing fee	
		107	510	Plant filing fee	
		108	740	Reissue filing fee	
		114	160	Provisional filing fee	
SUBTOTAL (1)					

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20**	X	
Multiple Dependent Claims	-3**	X	
		X	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		103	18	Claims in excess of 20
		102	84	Independent claims in excess of 3
		104	280	Multiple dependent claim, if not paid
		109	84	** Reissue independent claims over original patent
		110	18	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				

\*\*or number previously paid, if greater. For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$65)

## SUBMITTED BY

Complete if applicable

Name (Print/Type)	Matthew E. Hirsch	Registration No. (Attorney/Agent)	47,651	Telephone	415-676-0200
Signature		Date	June 17, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

JUN 23 2006

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS AND INTO OCULAR TISSUES</b>
---------------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/083,960 filed on February 25, 2002
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 1 Jonathan B. Rothbard Date: June 7, 2002

Signature: Jonathan B. Rothbard Citizen of: United States

Inventor 2 Paul A. Wender Date: 06/10/02

Signature: Paul A. Wender Citizen of: United States

Inventor 3 P. Leo McGrane Date: 6-7-2002

Signature: P. Leo McGrane Citizen of: United States

Inventor 4 Lalitha V.S. Sista Date: 6/7/02

Signature: Lalitha V.S. Sista Citizen of: India

☒ Additional inventors are being named on form(s) attached hereto.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS AND INTO OCULAR TISSUES</b>
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/083,960 filed on February 25, 2002
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 5 Thorsten A. Kirschberg Date: 06-07-2002

Signature: *Thorsten A. Kirschberg* Citizen of: Germany

☐ Additional inventors are being named on form(s) attached hereto.

**Burden Hour Statement:** This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1351960 v1



Attorney Docket No.: 019801-000240US

**STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(e)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A. Kirschberg  
Application or Patent No.: 10/083,960  
Filed or Issued: February 25, 2002  
Title: Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: CellGate, Inc.  
Address of Small Business Concern: 552 Del Ray Ave.  
Sunnyvale, CA 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues by inventor(s) Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A. Kirschberg described in:

- ☐ the specification filed herewith;  
☒ Application No. 10/083,960, filed February 25, 2002;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Edward F. Schnipper  
Title of Person if Other than Owner: President / CEO  
Address of Person Signing: CellGate, Inc.  
552 Del Ray Ave.  
Sunnyvale, CA 94086

Signature Edward F. Schnipper Date 6/7/02



Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)  
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<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application Number</b>	10/083,960
	<b>Filing Date</b>	02/25/02
	<b>First Named Inventor</b>	Rothbard, Jonathan B.
	<b>Title</b>	Compositions and Methods for Enhancing Drug Delivery Across and into Ocular Tissues
	<b>Group Art Unit</b>	1653
	<b>Examiner Name</b>	Not assigned
	<b>Attorney Docket Number</b>	019801 000240US

I hereby appoint:

☒ Practitioners at Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number

Place Customer  
Number Bar Code  
Label here

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/88).

**SIGNATURE of Applicant or Assignee of Record**

Name	Edward F. Schnipper
Signature	<i>Edward F. Schnipper</i>
Date	June 7, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of      forms are submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A Kirschberg

Application No./Patent No.: 10/083,960

Filed/Issue Date: 02/25/02

Entitled: Compositions and Methods for Enhancing Drug Delivery Across and into Ocular Tissues

CellGate, Inc.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 7, 2002  
Date

Edward F. Schnipper  
Typed or printed name

[Signature]  
Signature

President - CEO  
Title

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Jonathan B. Rothbard of 19500 Pruneridge Ave., Cupertino, CA 95014; Paul A. Wender of 930 Siskiyou Ave., Menlo Park, CA 94025; P. Leo McGrane of 110 Beacon Street, Mountain View, CA 94040; Lalitha V.S. Sista of 1333 Floyd Ave., Sunnyvale, CA 94087; Thorsten A. Kirschberg of 360 Chiquita Ave., #11, Mountain View, CA 94041; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           Compositions and Methods for Enhancing Drug Delivery  
Across and Into Ocular Tissues

Date(s) of execution of Declaration:

Filing Date:               February 25, 2002

Application No.:           10/083,960; and

WHEREAS, CellGate, Inc., located at 552 Del Ray Ave., Sunnyvale, CA, 94086, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.



IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: June 7, 2002

Jonathan B. Rothbard  
Jonathan B. Rothbard

[Signature]  
WITNESS SIGNATURE

PAULA GREENE  
WITNESS PRINTED NAME

Dated: 06/10/02

Paul Wender  
Paul A. Wender

[Signature]  
WITNESS SIGNATURE

Shyla W. Barker  
WITNESS PRINTED NAME

Dated: 6-7-2002

P. Leo McGrane  
P. Leo McGrane

[Signature]  
WITNESS SIGNATURE

PAULA GREENE  
WITNESS PRINTED NAME

Dated: 6/7/2002

Lalitha V.S. Sista  
Lalitha V.S. Sista

[Signature]  
WITNESS SIGNATURE  
PAULA GREENE  
WITNESS PRINTED NAME

Dated: 06-07-2002

Thorsten A. Kirschberg  
Thorsten A. Kirschberg

[Signature]  
WITNESS SIGNATURE  
PAULA GREENE  
WITNESS PRINTED NAME